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Paper No. 10

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MAY 03 2002

OFFICE OF PETITIONS

In re Application of :
Richard Shann, et al. :
Application No. 09/714,804 :
Filed: November 16, 2000 :
Attorney Docket No. S1022/8572 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 20, 2002, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s)(1). The declaration filed February 20, 2002 is defective since it contains non-initialed/non-dated alterations.

Accordingly, any request for reconsideration must be accompanied by an oath or declaration in compliance with 37 CFR 1.63 and include the \$130.00 surcharge set forth in 37 CFR 1.16(e). The oath or declaration should identify the specification to which it is directed by reference to the above-identified application number and filing date.

Further correspondence with respect to this matter should be addressed as follows:

By mail: U.S. Patent and Trademark Office
Box DAC, P.O. Box 2327
Arlington, VA 22202

Or

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

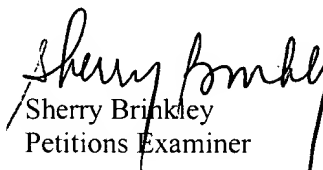
By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Sherry Brinkley
Petitions Examiner